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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Paul BRIAND et al.

Group Art Unit: 1654

Application No.: 09/889,178

Examiner: M. Audet

Filed: January 15, 2002

Docket No.: 110072

For: PSEUDOPEPTIDE, SYNTHESIS METHOD, REAGENT AND APPLICATIONS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the June 30, 2004, Restriction Requirement, Applicants provisionally elect Group I, claims 1-11 and 18, with traverse.

It is the Examiner's position that the special technical feature (of at least claim 1) is a pseudopeptide of at least six amino acids in length comprising at least one unit selected from the B units of general formulae I and II. The Examiner stated that since the pseudopeptide can have more than one B unit and since the pseudopeptide can comprise any amino acid residue, the special technical feature varies in structure and function, which results in a lack of a special technical feature.

The Examiner's basis for the lack of a special technical feature is not readily understood. Initially, the Examiner stated that the special technical feature is a pseudopeptide of at least six amino acids in length comprising at least one B unit selected from the general formulae I and II. Subsequently, the Examiner stated that the claims lack a special technical feature because the pseudopeptide can vary in structure and function. However, the fact that

multiple B units are possible and that any amino acid residue can be included in the pseudopeptide does not change the special technical feature.

Moreover, regardless of the possible variations in structure and function, the methods of Group II, claims 12-15, and the antibody and anti-idiotypic of Group III, claims 16 and 17, require a pseudopeptide of at least six amino acids in length comprising at least one B unit selected from the general formulae I and II, i.e., the special technical feature found in claim 1 of Group I, as acknowledged by the Examiner, and in claims 2-11 and 18 of Group I.

Under the lack of unity provisions in an application filed under 35 U.S.C. §371, when the claims are directed to a single inventive concept, there is no lack of unity and a Restriction Requirement is improper.

It is also respectfully submitted that the subject matter of all claims 1-18 is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining groups. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. *See* MPEP §803, wherein it is stated that, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

In view of Applicants' arguments, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: July 21, 2004

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